

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION**

**DOCKET NO.**

UNITED STATES OF AMERICA      )  
                                      )  
                                      )  
vs.                                )  
                                      )  
                                      )  
,                                 )  
                                      )  
Defendant.                        )  
                                      )  
\_\_\_\_\_

**ARRAIGNMENT ORDER**

The Defendant came before the Court by written waiver of arraignment. The Defendant has acknowledged receiving a copy of the Indictment/Information, has stated an understanding of the pending charge(s) against him/her, and has entered a plea of NOT GUILTY, and waived his right to a jury trial.

WHEREFORE, the parties and counsel are hereby advised that:

1. This case shall be governed by the provisions of the Standing Order Governing Criminal Cases Before the Honorable Frank D. Whitney, Misc. No. 3:07-MC-47 (Doc. No. 6). Specifically, the parties are directed to acquaint themselves with the Court's continuance policy set forth therein.

2. This case will be calendared for trial during the Court's September trial term, which is now scheduled to begin on . The Court will notify Defendant and counsel of the specific date, location, and time to appear. **Not Applicable:** The Court finds that the ends of justice served by granting a continuance from the next trial setting outweigh the interests of the public and the Defendant in a speedy trial, and therefore excludes this time from the Defendant's speedy trial calculation.

3        Hearing on any motion that is required to be made pursuant to Fed. R. Crim. P. 12(b)(3) shall be held during the Court's December motions/sentencing term, which is now scheduled to begin on                      , with any such motions due to be filed no later than eight (8) business days prior to the first day of the motions term. All other pretrial motions are due to be filed not later than eight (8) business days before the first day of the trial term during which the case has been set for trial. All pretrial motions for which a hearing will be required must contain counsel's good faith estimate of how much court time will be required to hear any evidence and/or argument pertaining to the motion.

5.       Unless otherwise provided, an Order granting an additional continuance from the trial setting set forth in the Arraignment Order will delay the deadline for filing Rule 12(b)(3) motions until eight (8) business days before the motions/sentencing term immediately preceding the new trial term, and the deadline for filing all other motions until eight (8) business days before the first day of the new trial term, if at the time the continuance is granted that the relevant motions deadline has not already passed and the motion has not already been decided.

6.       If a jury is summoned for this trial only, and the Defendant changes the plea to guilty on the day of trial, Defendant may be charged with the cost of the jury.

7.       In the event of a mistrial, any further pretrial motions will be due to be filed not later than eight (8) business days before the trial term for which the case is set for retrial. If there are newly discovered grounds to make a Rule 12(b)(3) motion, such motion will be due to be filed not later than eight (8) business days before the

motions/sentencing term immediately preceding the trial term for which the case is set for retrial.

IT IS SO ORDERED.

Carl Horn, III

Carl Horn, III  
United States Magistrate Judge

